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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,817	06/23/2000	Brigido A. Borquez	3536P2177	7162

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EXAMINER

LOWE, TREFFANEY R

ART UNIT PAPER NUMBER

2697

DATE MAILED: 12/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,817

Applicant(s)

BORQUEZ ET AL.

Examiner

TREFFANEY R LOWE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/23/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn (US Patent 6,434,518 B1) in view of Kunita (US Patent 5,724,526).

Regarding **claim 1**, Glenn discloses an electronic language translator in which Glenn discloses steps of:

Providing a recording device capable of recording words spoken in a source language (col. 3, lines 42-44);

Wherein said recording device further comprises means for playing back said words spoken in said source language (col. 3, lines 42-44);

Speaking said words in said source language (col. 3, lines 45-47);

Recording said words in said source language in said recording device (col. 3, lines 42-44);

Playing back said words in said source language (col. 3, lines 42-44);

Glenn fails to teach a method with a step simultaneously translating said words in said source language into a target language. Kunita discloses an electronic interpreting machine for translating the source language into the destination language, and carries out simultaneous translations between a plurality of languages (col. 1, lines 24-27). It would have been obvious to one skilled in the art at the time of the invention to modify Glenn's translator to include Kunita's step for simultaneous translations, for the purpose of providing a method for simultaneously translating from a source language to a target language.

Regarding **claim 2**, Glenn and Kunita disclose all the limitations of **claim 1**, Glenn further discloses the step of providing said recording device being a digital recorder (Fig. 1, item 23 "electronic memory for storing audio").

Regarding **claim 4**, Glenn and Kunita reject all the limitations of **claim 1**, in addition, Glenn further discloses a step of providing at least one earphone assembly couple to said recording device (col. 3, lines 40-42).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn and Kunita as applied to **claim 1** above, and further in view of Cherny (US Patent 6,219,646 B1).

Regarding **claim 3**, Glenn and Kunita disclose all the limitations of **claim 1**, however they fail to teach a step providing a telephone input coupled to said recording device and adapted to receive said words spoken in said source language over a telephone line and to transmit said words translated into said target language over said telephone line.

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In a similar field of endeavor, Cherny discloses a method and apparatus for translating between languages adapted to receive words spoken in said source language over a telephone line and to transmit said words translated into said target language over said telephone line (Abstract and col. 3, lines 2-6).

Therefore, it would have been obvious to modify Glenn and Kunita with Cherny to get a simultaneous translator with abilities to record and playback source language and have it connected to a telephone line for real-time translation of a phone conversation between two individuals speaking different languages.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn and Kunita as applied to claim 1 above, and further in view of Kannes (US Patent 4,965,819).

Regarding **claim 5**, Glenn and Kunita disclose all the limitations of **claim 1**, however they do not teach a step providing at least one microphone in a position that is remote from said recording device.

In a similar field of endeavor, Kannes discloses a video conferencing system for courtroom and other applications. Kannes further discloses a step providing at least one microphone in a position that is remote from said recording device (col. 4, lines 42-51).

Therefore it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Glenn and Kunita with Kannes to provide a translator with record and playback options and to have a microphone connected to the device.

Regarding **claim 6**, Glenn, Kunita and Kannes disclose all the limitations of **claim 5**, Glenn, Kunita and Kannes fail to specifically disclose wherein at least one remote microphone is in wireless communication with said recording device. However, the

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office contends that it is obvious, if you have a wired microphone setup, as taught by Kannes, you could easily convert it to be wireless. Therefore it would have been obvious to get the wireless remote microphone communication with said recording device.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn and Kunita as applied to claim 1 above, and further in view of Stockham, Jr. et al. (US Patent 4,446,494), hereinafter referenced to as Stockham.

Regarding **claim 7**, Glenn and Kunita reject all the limitations of **claim 1**, however, they do not teach a step of providing means for adjusting the speed at which said words in source language are played back. In a similar field of endeavor, Stockham, discloses an uniform speed control for a multi-channel digital recorder, which provides for tape speed control so as to increase or decrease tape speed (col. 4, lines 44-45 and col. 5, lines 4-5).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Glenn and Kunita with that of Stockham to get a translating device that could control the speed of the playback.

Regarding **claims 8 - 10**, claims 8, 9 and 10 are similar in scope and contents to claims 1-7 rejected above, therefore claims 8, 9, and 10 are rejected under the same rationale.

Conclusion

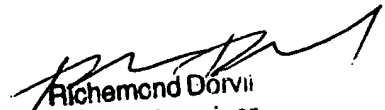
Any inquiry concerning this communication or earlier communications from the examiner should be directed to TREFFANEY R LOWE whose telephone number is 703-305-5593. The examiner can normally be reached on M-F: 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFERY HOFFSASS can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9430 for regular communications and 703-746-9430 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-.

trl
December 12, 2002


Richmond Dorvil
Primary Examiner
Richmond Dorvil